

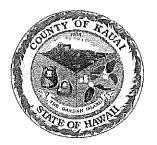
### PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

FOR OFFICIAL US	E ONLY:
SSD 201_7	19
Acceptance Date:	10.28.16
Website Posting Date:	11-1-16
Determination Date:	10.28.16
Planning Commission Date:	NA
Expiration Date:	10:28:17
Planner Assigned:	10

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information

Mailing Address:		<u> </u>	
1 1 2 6 7 7 7 7	LGO NEHE REND	Phone: 902-802-	
A = 11 +2 - Ct - + /Ct - 3	HUE, KALL, HI	96766 Email: dparace	astle resets to
Applicant's Status: (Checl	κ one)	•	
Owner of the Proper		of the equitable and legal title)	
Lessee of the Proper		expired and recorded lease of five (5) years	
		ication. If not, Owner(s) must provide a Lett	er of Authorization.
Authorized Agent	Attach Letter of Authoriz	zation ATTACHED	
Transmittal Date:			
	Project Information (att	ach additional sheets, if necessary)	
County Zoning District:	RR-20	Tax Map Key(s):	3-9-006-004
		Land Area: 3.73 A	CEEC
Nature of Developmen	f:		
(Description of proposed		FOR STAIR LANDINGS	>
structure or subdivision)	<b>+</b>		
Part A Shoreline Setback Determine Check all that apply, fill photos and/or documents Properties Abutting	EXCEPT AS PROVIDENT AND ASSESSED IN APPLICABILITY (§8-27.1 in applicable information. Any bation. the Shoreline roximate distance from shoreline:	T PLANNING COMMISSION ACTIVIDED IN §8-27.8(c)(8)  ox checked must be accompanied by addit	·
Properties Not Abutt	covimate distance from shareline:	2	
Properties Not Abutt	roximate distance from shoreline:	•	



Planning

### PLANNING DEPARTMENT SHORELINE SETBACK APPLICATION

ON SO OAKDIN		SSD 201
WE OF	HINT	Acceptance Date:
and the same of th		Website Posting Date:
	•	Determination Date:
		Planning Commission Date:
		Expiration Date;
	•	Planner Assigned:
	Topography (undulating, flat, slope, etc.) and ground elevation of subje	ct parcel (Lowest and Highest elevations)
	GRADUALLY, UNIFORMLY SLOPET	D LIPWARD FROM VEGLINE
	Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping,	etc.)
	CARBONATE SAND, BOULDER GROIN	S AND HARDENED
	SHORELINE W/ A FRINGING REF	OFFGHORE
		ate de contra el a antido esta sella esta dell'esta di l'appendo en en en que per que que que que a que a se m La contra de la contra della esta
	Artificially armored Shoreline	
	If checked, what type of armoring (e.g. seawall, revetment, bulkhea	d):
	Is the armoring permitted/authorized?	
	Date of authorization (attach copy of authorization letter):	
님	Is property in coastal floodplain (if checked, what zone)?	4 1 4 4 5
. Ц	Has this property been subject to coastal hazards in the past? (If checke	d, please describe)
structure is indemnify	osed structure or subdivision is within the shoreline setback area then, pless approved, the Applicant shall agree in writing that the Applicant, its suc, and hold the County of Kaua'i harmless from and against any and all loss osaid structures from any coastal natural hazards and coastal erosion, pur	cessors, and permitted assigns shall defend, s, liability, claim or demand arising out of
applicant v date of fin the Direct approval o	rements of the Subsection (b) shall run with the land and shall be set forth with the Bureau of Conveyances or the Land Court, whichever is applicable all shoreline approval of the structure under §8-27.8. A copy of the record or and the County Engineer no later than forty-five (45) days after the dat of the structure and the filing of such with the Director shall be a prerequisite 27.7(b)(6).	le, no later than thirty (30) days after the led unilateral agreement shall be filed with e of the final shoreline determination and
Applican	nt's Signature	
Signature	1 9/14/16 Date	
	Applicability (to be completed by Planning De	partment)
OR	Setback Determination necessary. Requirements of Ordinance	No. 979 are applicable.
	1 XIV OF TOUCH	1 20 1

FOR OFFICIAL USE ONLY:

tor or designee



# PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B	
Exemp	tion Determination  A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
	Exemption 1
	In cases where the proposed structure or subdivision satisfies the following four criteria:  (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;  (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level
,	or greater;  (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and  (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established
/	not more than twelve (12) months from the date of the application for the exception under this section.
abla	Exemption 2
	In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
	Exemption 3
	Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
	Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2
	Exemption Determination (to be completed by Planning Department)
	Pursuant to §8-27.3 the Kana'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-278.    10 - 28   10 -

# Koho Lani

July 5, 2016

To whom it may concern:

I, Diane Pavao, General Manager for AOAO Kaha Lani authorize T.J. Bossard to act as our agent for matters relating to the zoning permit application and SMA application.

Yours truly,

Diane Pavao

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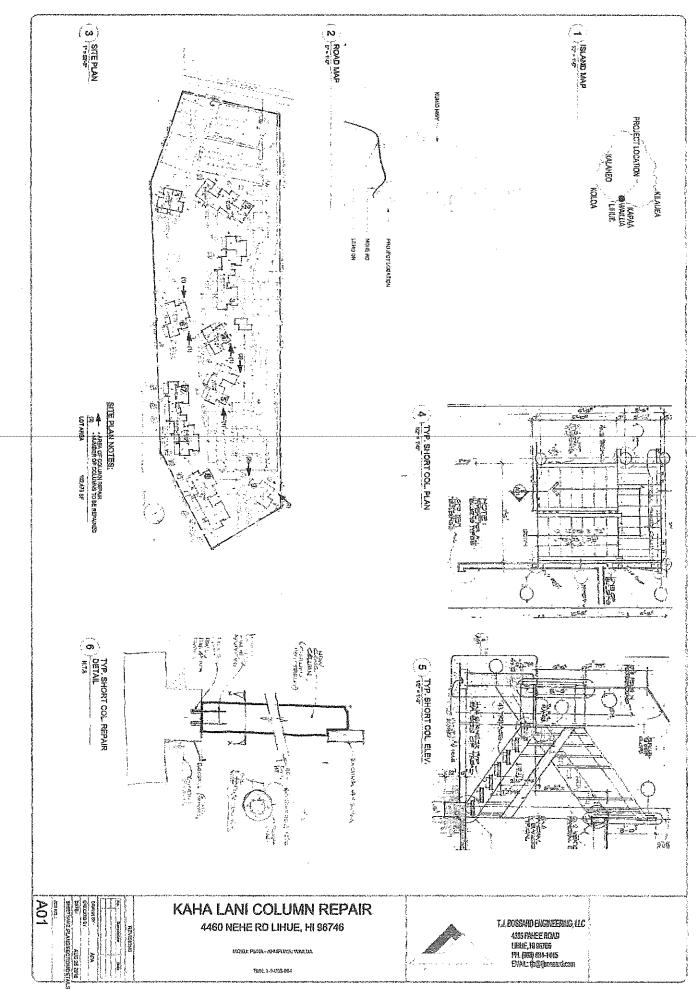
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Legend Parcel 1987

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Click on the map to gather po-complete.

1) 22°02'10 ", -150'20 10' 2) 22°02'03 ", -159°20'09'



Bernard P. Carvalho, Jr. Mayor



Lyle Tabata
Acting County Engineer

Wallace G. Rezentes, Jr. Managing Director

### DEPARTMENT OF PUBLIC WORKS

### County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Līhu'e, Hawai'i 96766 TEL (808) 241-4992 FAX (808) 241-6604

October 21, 2016

TJ Bossard Engineering, LLC 4385 Pahe'e Road Līhu'e HI 96766 Attn: TJ Bossard

Subject:

SHORELINE SETBACK APPLICATION

SUBSTANTIAL IMPROVEMENT DETERMINATION

KAHA LANI CONDOMINIUMS COLUMN REPAIR (BUILDINGS 4, 5, 6 & 9)

TMK: (4) 3-9-006-004

Dear Mr. Bossard,

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works - Engineering Division (DPW) has reviewed the proposed stair column repair work for the Kaha Lani Condominiums. The repair work involves four (4) separate structures on the subject property. The determination of substantial improvement is done separately for each structure.

### Building No. 4

Building No. 4 is a 2-story condominium structure and the proposed construction consists of repair work to a single column for the stair landing. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations is provided below.

Kaha Lani Condominiums (Column Repair) Substantial Determination for TMK 3-9-006-004 October 21, 2016 Page 2 of 5

### Market Value

There were 2 total building permits approved for the structure within the past ten years. The first building permit, BP 13-2394 was approved in 2013. Therefore, the market value used in the calculations is the 2013 Replacement Cost New Less Depreciation (RCNLD) value for the structure. The 2013 RCNLD was determined by the County's Real Property Assessment Division to be \$1,168,800 for Building No. 4. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

### Cost of Improvements

The cost of past building permits is taken to be the valuation shown in DPW Building Division records. The total cost of improvements for the proposed single column repair work for Building No. 4 is taken to be the cost estimate of \$2,008 that was provided in a Construction Contract prepared by CR Design and Construction, Inc. sent via email on October 5, 2016. The total cost is summarized as follows for the past 10 years:

 BP 13-2394	\$11,300
BP 13-2395	\$11,300
BP 16-2031	\$2,008
(current BP)	
TOTAL	\$24,608

### Summary

The cost of improvements for Building No. 4 compared to the 2013 RCNLD market value is summarized as follows:

### Building No. 5

Building No. 5 is a 3-story condominium structure and the proposed construction consists of repair work to three columns for two stair landings. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations is provided below.

### Market Value

There were 3 total building permits approved for the structure within the past ten years. The first building permit, BP 13-2396, was approved in 2013. Therefore, the market value used in the calculations is the 2013 Replacement Cost New Less Depreciation (RCNLD) value for the structure. The 2013 RCNLD was determined by the County's Real Property Assessment Division to be \$1,460,700 for Building No. 5. If the owner chooses to dispute this value, then an

Kaha Lani Condominiums (Column Repair) Substantial Determination for TMK 3-9-006-004 October 21, 2016 Page 3 of 5

appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

### Cost of Improvements

The cost of past building permits is taken to be the valuation shown in DPW Building Division records. The total cost of improvements for the proposed repair work to three columns for Building No. 5 is taken to be the cost estimate of \$6,024 that was provided in a Construction Contract prepared by CR Design and Construction, Inc. sent via small on October 5, 2016. The total cost is summarized as follows for the past 10 years:

	•
BP 13-2396	\$11,300
BP 13-2798	\$11,300
BP 13-2799	\$11,300
BP 16-2039	\$6,024
(current BP)	
TOTAL	\$39,924

### Summary

The cost of improvements for Building No. 5 compared to the 2013 RCNLD market value is summarized as follows:

### Building No. 6

Building No. 6 is a 2-story condominium structure and the proposed construction consists of repair work to two columns for two stair landings. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations is provided below.

### Market Value

There were 2 total building permits approved for the structure within the past ten years. The first building permit, BP 13-2397, was approved in 2013. Therefore, the market value used in the calculations is the 2013 Replacement Cost New Less Depreciation (RCNLD) value for the structure. The 2013 RCNLD was determined by the County's Real Property Assessment Division to be \$1,286,500 for Building No. 6. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

Kaha Lani Condominiums (Column Repair) Substantial Determination for TMK 3-9-006-004 October 21, 2016 Page 4 of 5

### Cost of Improvements

The cost of past building permits is taken to be the valuation shown in DPW Building Division records. The total cost of improvements for the proposed repair work to two columns for Building No. 6 is taken to be the cost estimate of \$4,016 that was provided in a Construction Contract prepared by CR Design and Construction, Inc. sent via email on October 5, 2016. The total cost is summarized as follows for the past 10 years:

TOTAL	\$33,716
(current BP)	
BP 16-2042	\$4,016
BP 13-2800	\$11,300
BP 13-2397	\$18,400

### Summary

The cost of improvements for Building No. 6 compared to the 2013 RCNLD market value is summarized as follows:

### Building No. 9

Building No. 9 is a 2-story condominium structure and the proposed construction consists of repair work to four columns for two stair landings. DPW has determined that the proposed improvements do not constitute a substantial improvement. A summary of the calculations is provided below.

### Market Value

There were 3 total building permits approved for the structure within the past ten years. The first building permit, BP 13-2408, was approved in 2013. Therefore, the market value used in the calculations is the 2013 Replacement Cost New Less Depreciation (RCNLD) value for the structure. The 2013 RCNLD was determined by the County's Real Property Assessment Division to be \$1,058,600 for Building No. 9. If the owner chooses to dispute this value, then an appraisal of the structure must be provided at the owner's expense. The appraisal shall be prepared by a professional appraiser licensed in the State of Hawai'i and the market value shall be based on the "Cost Approach" (or Replacement Cost New Less Depreciation).

### Cost of Improvements

The cost of past building permits is taken to be the valuation shown in DPW Building Division records. The total cost of improvements for the proposed repair work to four columns for Building No. 9 is taken to be the cost estimate of \$8,030 that was provided in a Construction Contract prepared by CR Design and Construction, Inc. sent via email on October 5, 2016. The total cost is summarized as follows for the past 10 years:

Kaha Lani Condominiums (Column Repair) Substantial Determination for TMK 3-9-006-004 October 21, 2016 Page 5 of 5

BP 13-2409	\$11,300
BP 13-2408	\$6,600
BP 13-2808	\$11,300
BP 16-2044	\$8,030
(current BP)	; 1 1 3
TOTAL	\$37,230

### Summary

The cost of improvements for Building No. 9 compared to the market value is summarized as follows:

Since the total cost of each structure does not exceed 50% of the market value, the improvement is not considered to be substantial.

Based on our records there were no other permits for these structures within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structures must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or siwamoto@kauai.gov.

Sincerely,

MICHAEL MOULE, P.E. Chief, Engineering Division

BV/SI

Copy to:

Design and Permitting

Planning



FOR OFFICIAL US	E ONLY:
SSD 201_7-	<u>20</u>
Acceptance Date:	10.28.14
Website Posting Date:	11-1-16
Determination Date:	10.28.16
Planning Commission Date:	L'NA
Expiration Date:	10-28-17
Planner Assigned:	Sla

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

Applicant Information		
Applicant: BoB Kutkowski Mailing Address: Box 594  Phone: 639 8415		
Applicant's Status: (Check one)  Email: TKutkowski @ HAWA:  RR.COM		
Owner of the Property Lessee of the Property Lessee of the Property Authorized Agent Transmittal Date:  (Holder of at least 75% of the equitable and legal title) Lessee must have an unexpired and recorded lease of five (5) years or more from the date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.  Attach Letter of Authorization		
County Zoning District:  Project Information (attach additional sheets, if necessary)  Tax Map Key(s): 17-5-3-16-10 ANI NI Land Area:		
Nature of Development: (Description of proposed structure or subdivision)  REROF		
NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE, EXCEPT AS PROVIDED IN §8-27.8(c)(8)		
Part A Shoreline Setback Determination of Applicability (§8-27.1) Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information, photos and/or documentation.  Properties Abutting the Shoreline Project's approximate distance from shoreline:		
Properties Not Abutting the Shoreline Project's approximate distance from shoreline:		
Additional Information:  Closest distance of improvement(s) from Shoreline is approximately 2.6.0 ft.  Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:		
ANINI ROAD + PUBLIC PARKING ANINI PARK		



FOR OFFICIAL USE ONLY:

C-Z CARLINA		SSD 201
TE OF 1	HWP.	Acceptance Date:
		Website Posting Date:
		Determination Date:
		Planning Commission Date:
		Expiration Date:
		Planner Assigned:
		Flaimet Assigned.
	Topography (undulating, flat, slope, etc.) and ground elevation of subje	ct parcel (Lowest and Highest elevations)
	FLAT	
	Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping,	eto.)
	SANDY	
	Artificially armored Shoreline  If checked, what type of armoring (e.g. seawall) revetment, bulkhea	d):
	Is the armoring permitted/authorized? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ? ?	_
	Has this property been subject to coastal hazards in the past? (If checke	d, please describe)
structure is indemnify,	sed structure or subdivision is within the shoreline setback area then, ple approved, the Applicant shall agree in writing that the Applicant, its suc and hold the County of Kaua'i harmless from and against any and all los said structures from any coastal natural hazards and coastal erosion, pur	cessors, and permitted assigns shall defend, ss, liability, claim or demand arising out of
applicant w date of fina the Directo	ments of the Subsection (b) shall run with the land and shall be set forth if the Bureau of Conveyances or the Land Court, whichever is applicable shoreline approval of the structure under §8-27.8. A copy of the record rand the County Engineer no later than forty-five (45) days after the date the structure and the filing of such with the Director shall be a prerequing 27.7(b)(6).	ole, no later than thirty (30) days after the led unilateral agreement shall be filed with e of the final shoreline determination and
Applicant	e's Signature	
	nt Kulkowski 8-24-16	
Signature	Date	
	Applicability (to be completed by Planning De	partment)
Ø.	Setback Determination recessary. Requirements of Ordinance	No. 979 are applicable.
	In Hul	10.28-14
	Planning Divertor or designee	Date
***************************************		



# PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If  $Part\ A$  has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B Exemp	tion Determination  A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
	Exemption 1
	In cases where the proposed structure or subdivision satisfies the following four criteria:  (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency  Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;  (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;  (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly
	adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and  (D) The shoreline setback shall be sixty (60) feet from the <u>certified shoreline</u> which has been established not more than twelve (12) months from the date of the application for the exception under this section.
	Exemption 2
_	In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
	Exemption 3
	Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
	Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2
	Exemption Determination (to be completed by Planning Department)
	Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.
į.	XM4 2 W 10/28/16
	Planning Director or designee Date

### OWNER'S AUTHORIZATION

### I. OWNER.

Name:

PRW PRINCEVILLE DEVELOPMENT COMPANY, LLC,

a Hawaii limited liability company

Address:

1100 Alakea Street, Suite 2500

Honolulu, Hawaii 96813

Telephone:

(808) 531-9761

### II. AUTHORIZED AGENT.

Name:

Robert Kutkowski

Address:

P. O. Box 594

Kilauea, Kauai, Hawaii 96754

Telephone:

808 639-8415

### III. PROPERTY.

Lot 2-A-2

Kalihiwai and Kalihikai, Hanalei, Kauai, Hawaii Kauai Tax Map Key No. (4) 5-3-006:025

### IV. <u>AUTHORIZATION</u>.

The Authorized Agent is occupying a portion of the Property containing approximately 20,219 square feet ("Project Area"). There is an existing single family dwelling unit ("Main House") located within the Project Area which the Authorized Agent intends to repair and reconstruct.

The Owner hereby authorizes the Authorized Agent to act on the Owner's behalf and to file with the Department of Public Works, the Planning Department, and the Planning Commission of the County of Kauai, and with the Department of Health of the State of Hawaii, on the Owner's behalf, the following permits ("Permits") in order to reconstruct and repair the Main House:

- 1. Special Management Area Permit.
- 2. Zoning Permit.
- 3. Building Permit.
- Individual Wastewater System Application.

### V. LIMITATION.

This Authorization is subject to the following limitations:

- The Authorized Agent is only authorized to apply for the Permits described herein.
- 2. No final Permits may be issued, or if issued shall not be valid or effective, unless and until the Owner gives its written approval to any conditions of any such Permits that touch, encumber or affect the portions of the Property other than the Project Area.
- The Authorized Agent shall provide the Owner with copies of all Permit
  applications and approvals.

### VI ACCEPTANCE.

The Authorized Agent agrees to be bound by all of the terms and conditions of this Authorization.

OWNER

AUTHORIZED AGENT:

PRW PRINCEVILLE DEVELOPMENT COMPANY, LLC,

a Delaware limited liability company

ROBERT KUTKOWSKI

DATED: 5 27-16

By: Commercial Property Advisors, Inc.

Its Manager

By VV

KENDALL KIM
Its Vice President

DATED: May 26, 2016

### Bernard P. Carvalho, Jr. Mayor

Lyle Tabata
Acting County Engineer

Wallace G. Rezentes, Jr. Managing Director

### DEPARTMENT OF PUBLIC WORKS

County of Kaua'i, State of Hawai'i

4444 Rice Street, Suite 275, Lihu'e, Hawai'i 96766 TEL (808) 241-4992 FAX (808) 241-6604

September 8, 2016

Bob Kutkowski PO BOX 594 Kilauca HI 96754

Subject:

SHORELINE SETBACK APPLICATION

SUBSTANTIAL IMPROVEMENT DETERMINATION BOB KUTKOWSKI, RE-ROOF AND RENOVATION

TMK: (4) 5-3-006:025

Dear Mr. Kutkowski;

The Kauai County Shoreline Setback and Coastal Protection Ordinance (Ordinance No. 979) Section 8-27.2 defines substantial improvement as "any cumulative series of repairs, reconstruction, improvements, or additions to a structure over a ten (10) year period, where the cumulative cost equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the first improvement during that ten (10) year period. For the purposes of this definition, substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure."

The Department of Public Works (DPW) Engineering Division has reviewed the proposed renovations and roof repair of the existing structure. DPW has determined that the proposed improvements does not constitute a substantial improvement. A summary of the calculations follows.

### Market Value

The market value used in the calculations is from the appraisal completed by Thomas Michael Hegarty. The market value of the real property is estimated to be \$303,625, as of April 11, 2016, which is the date of inspection and the effective date of the appraisal.

The appraisal was prepared by a professional appraisar licensed in the State of Hawai'i (#CRA 0000386) and the market value was based on the "Total Cost of Improvements Minus Depreciation."

Kutkowski September 8, 2016

### Cost of Improvements

The total cost of improvements for the renovations and re-roofing to the existing structure is taken to be the cost estimate of \$128,324.90 which includes the cost estimate prepared by R.R. Construction LTD., plus a 10% increase to include other labor and materials that were specifically listed as not included in the total cost estimate.

The total Cost Estimate is summarized as follows:

R.R. Construction LTD	\$116,659.00
10 % increase	+ \$11,665.90
Total Cost Estimate	\$128,324.90

### Summary

The cost of improvements compared to the market value is:

Since the total cost does not exceed 50% of the market value, the improvement is not considered to be substantial.

Based on our records there were no other permits for the structure within the past ten years. However, if any unpermitted work has been done, or if there are modifications to this application, our determination shall be considered void and the structure must be re-evaluated.

If you have any questions or need additional information, contact Stanford Iwamoto at (808) 241-4896 or <a href="mailto:siwamoto@kauai.gov">siwamoto@kauai.gov</a>.

Sincerely,

MICHAEL MOULE, P.E. Chief, Engineering Division

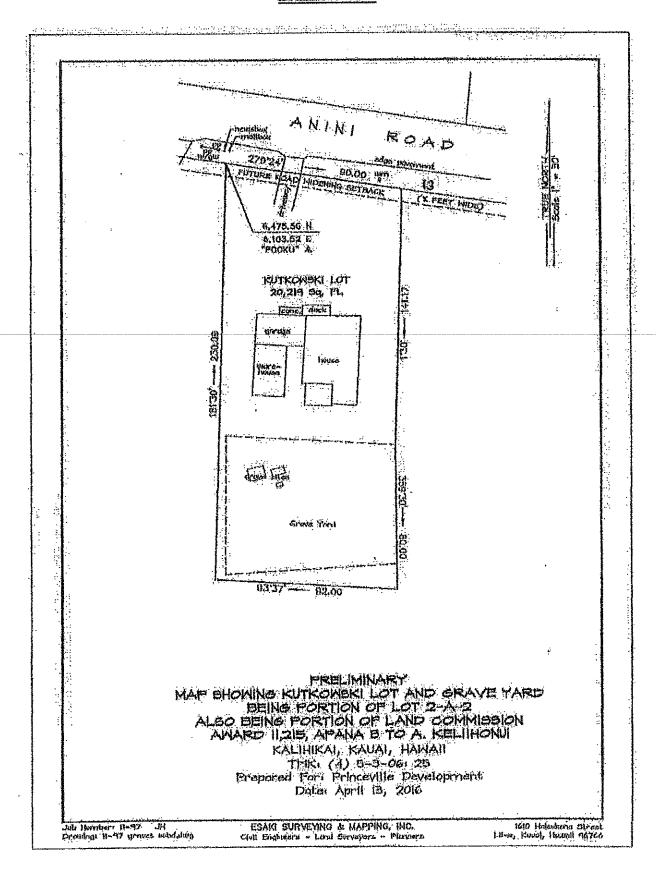
SI/BV

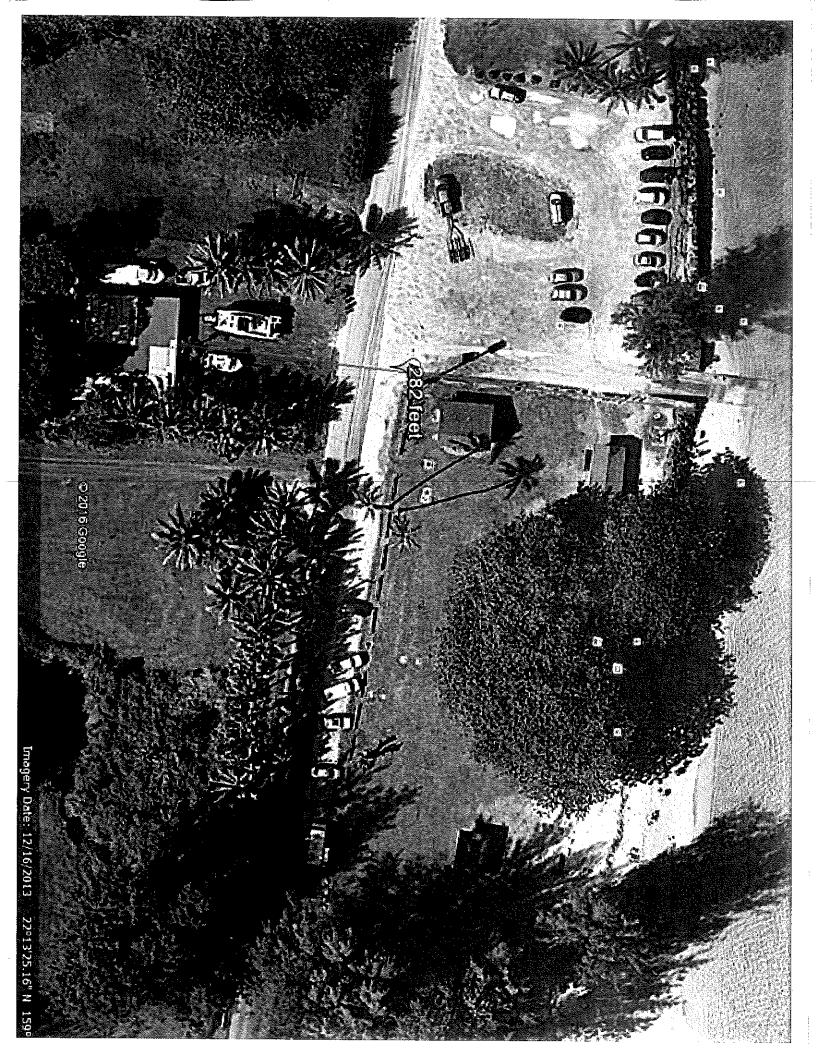
Copy.

Design and Permitting

Planning.

### EXHIBIT "A"







16 SEP 14 ATT:41

PLANNING DEPT.

FOR OFFICIAL US	E ONLY:
SSD 201_7 -	21
Acceptance Date:	10/28/16
Website Posting Date:	11/1/16
Determination Date:	1012816
Pianning Commission Date:	11/22/16
Expiration Date:	11/22/17
Planner Assigned:	-110

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

。 1985年 - 1985年 -	Applicant Information
Applicant: Address:  Address:  Address:	Palpha Road Phone: (415) 823-3313  Littl 46746 Email:
Applicant's Status: (Check one)	
Owner of the Property	(Holder of at least 75% of the equitable and legal title)
Lessee of the Property	Lessee must have an unexpired and recorded lease of five (5) years or more from the
	date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.
Authorized Agent	Attach Letter of Authorization
Transmittal Date: 8/29/1	<u> </u>
	Project Information (attach additional sheets, if necessary)
County Zoning District:	Sidentia (0.20) Tax Map Key(s): (4) 4-5-03:023
-	Land Area:
Nature of Development:	Slave Dock w// O-O had late of slave of more
(Description of proposed	New Deck W/ Roof Addition, New George
Structure of subdivision)	shea. After-the-tro-t
<u>Part A</u> Shoreline Setback Determination	E ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE, EXCEPT AS PROVIDED IN §8-27.8(c)(8)  of Applicability (§8-27.1) cable information. Any box checked must be accompanied by additional information,
Properties Abutting the Shore	
Project's approximate	distance from shoreline;
Properties Not Abutting the S Project's approximate	Shoreline distance from shoreline: 4465-ft. (see attached berial May)
Additional Information:  Closest distance of imp  Number of parcels and	provement(s) from Shoreline is approximatelyft, it type of improvements (roads, buildings, structures) between Shoreline and this parcel;
20 ft. County Ro Fropert ny duve properties w/ W multi-use po	ad fronting property, then soft remnant (4:5:02:21), then this we wing (4:5:02:21), then this we wind (4:5:02:21), then private dwestlings (4:5:02:16:412), then soving Road (Moanakai Rd th, then soft seach purces (4:5:02:023), then shoreline.



	FOR OFFICIAL USE ONLY:
	SSD 201
	Acceptance Date:
	Website Posting Date:
	Determination Date:
	Planning Commission Date:
	Expiration Date:
	Planner Assigned:
Topography (undulating, flat, slope, etc.) and ground elevation of subje	ct parcel (Lowest and Highest elevations)
Relatively flat. Subject parcel's grade oprx.	8' NGL. above nearest
Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, nearest shore line is a revertiment, recently for the willing path on Moanakai Rd.	re-constructed by Printy
Artificially armored Shoreline  If checked, what type of armoring (e.g. seawall, revetment, bulkhead  Is the armoring permitted/authorized?  Date of authorization (attach copy of authorization letter):  Is property in coastal floodplain (if checked, what zone)?	i):
Has this property been subject to coastal hazards in the past? (If checked	1, please describe)
No	
sed structure or subdivision is within the shoreline setback area then, ple approved, the Applicant shall agree in writing that the Applicant, its succ and hold the County of Kaua'i harmless from and against any and all loss said structures from any coastal natural hazards and coastal erosion, purs	essors, and permitted assigns shall defend, s, liability, claim or demand arising out of
ments of the Subsection (b) shall run with the land and shall be set forth i th the Bureau of Conveyances or the Land Court, whichever is applicabl	n a unilateral agreement recorded by the e, no later than thirty (30) days after the

If the proposed structure or subdivision is within the shoreline setback area then, p structure is approved, the Applicant shall agree in writing that the Applicant, its su indemnify, and hold the County of Kaua'i harmless from and against any and all le damages to said structures from any coastal natural hazards and coastal erosion, pr

The requirements of the Subsection (b) shall run with the land and shall be set fort applicant with the Bureau of Conveyances or the Land Court, whichever is applica date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).

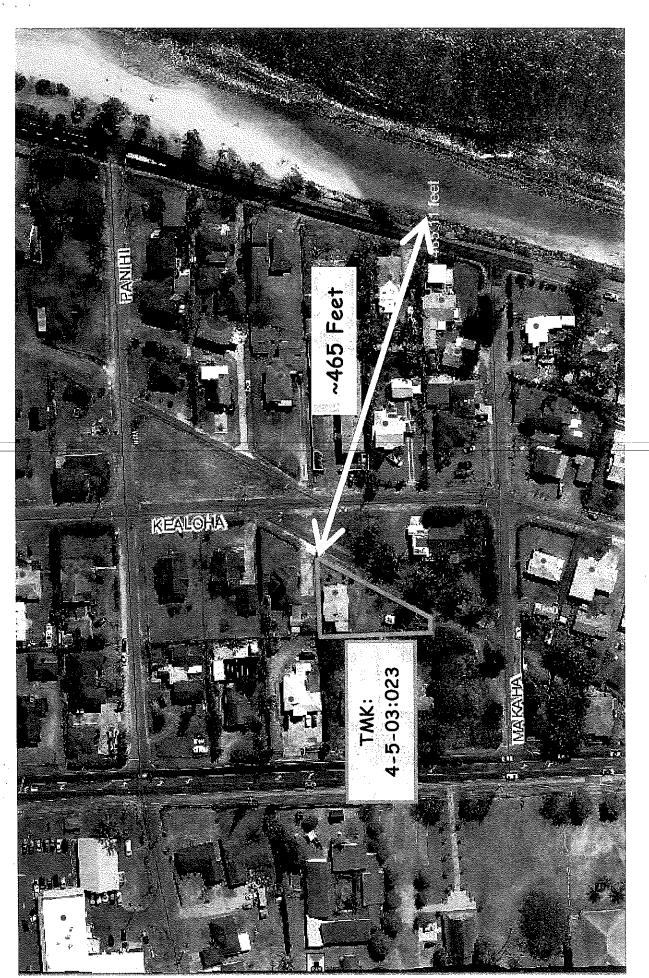
Applicant's Signature	
Too o	8/29/16
Signature	Date

	a survey a creas serves. An asserted a company of the company	Applica	bility (	to be completed	by Planning l	Department)	
Ø							omit full application.
		Jaly	K	M	)	10/28/	16
	Planning	rector of	esignee	1		Ī	Date
		(	)	)			

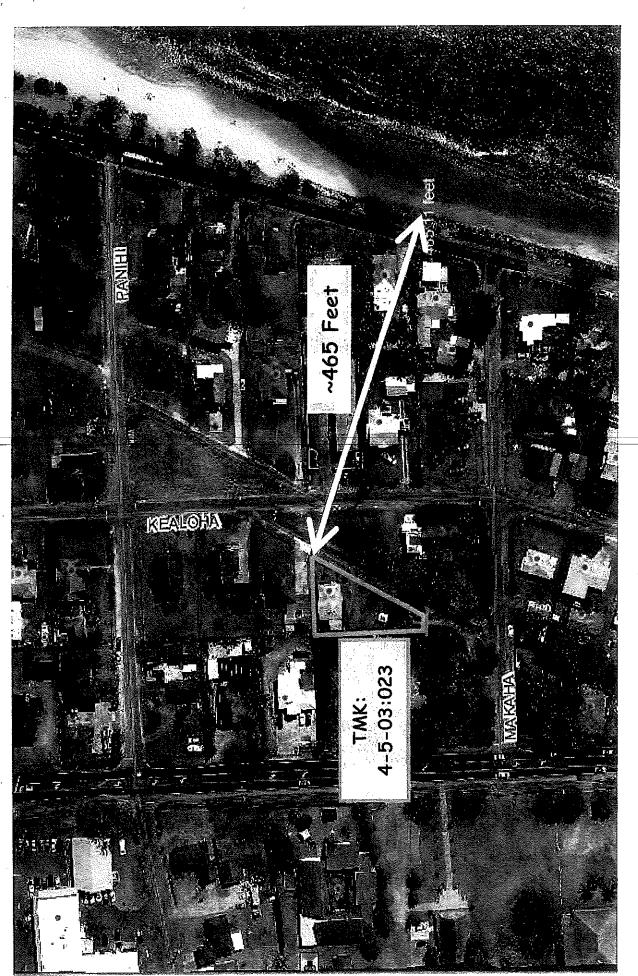


If **Part A** has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

,601111001	on or this approactor,
Part B Exemp	tion Determination  A non-refundable processing fee of one hundred dollars (\$100.00) shall accompany a request for determination. (§8-27.8(e))
	Exemption 1
	In cases where the proposed structure or subdivision satisfies the following four criteria:  (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;  (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level or greater;  (C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and  (D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established
	not more than twelve (12) months from the date of the application for the exception under this section.
	Exemption 2
	In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
Ø	Exemption 3
	Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
	Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2
	Exemption Determination (to be completed by Planning Department)
****	Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination required established under §8-27.8.  Planning Director or designee  Date



# NTS AERIAL MAP W/ DISTANCE TO SHORELINE

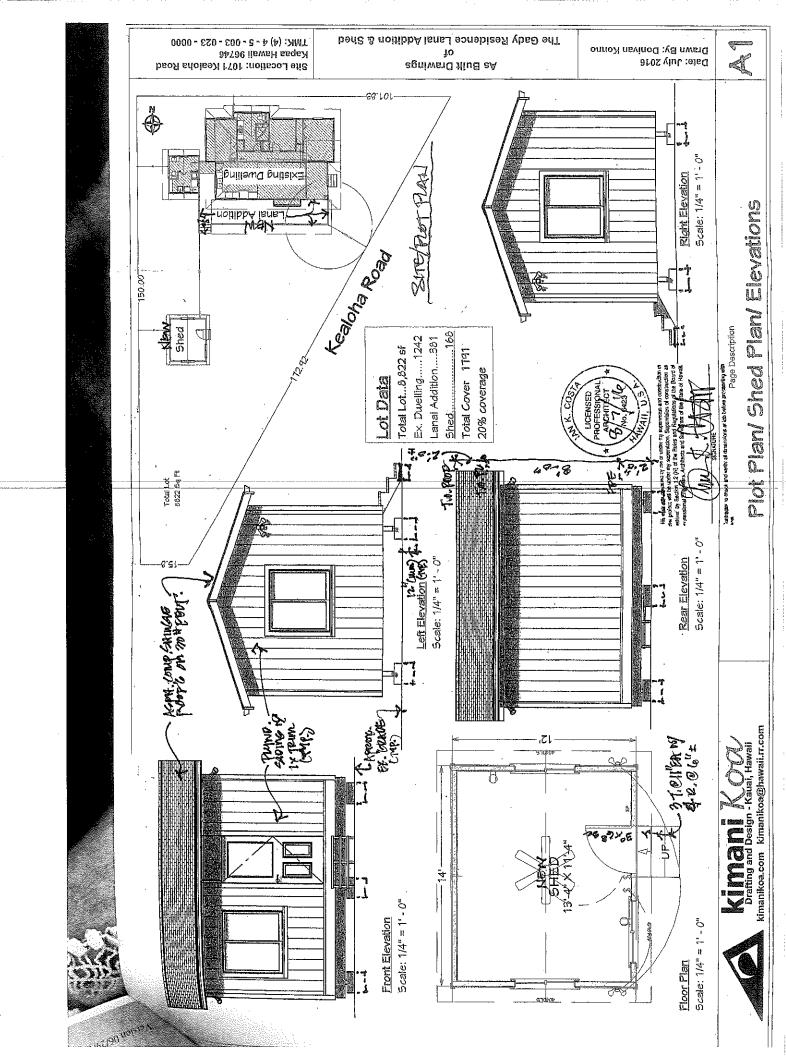


# AERIAL MAP W/ DISTANCE TO SHORELINE MES

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FOR G.B. . IT IS NOT REPRIE WORK

STANFOND

- (1) Existing conforming and nonconforming structures/activities.
- (2) Structure or activity that received a shoreline variance or administrative approval prior to February 26, 2008.
- (3) A structure or activity that is necessary for, or ancillary to, continuation of agriculture or aquaculture existing in the shoreline setback area on June 16, 1989.
- (4) "Temporary structures" as defined in Section 8-27.2. To ensure that there will be no irreversible or long-term adverse effects, the Director shall require as a condition of a permit the restoration of the site to its original condition or better, and the Director may require a bond to ensure such restoration.
- (5) A structure that consists of maintenance, repair, reconstruction, and minor additions or alterations of legal boating, maritime, or water sports recreational facilities, which are publicly owned, and which result in no interference with natural beach processes; provided that permitted structures may be repaired, but shall not be enlarged within the shoreline setback area without a variance.
- (6) Repairs to a lawfully existing structure, including nonconforming structures, provided that:
  - (A) The repairs do not enlarge, add to or expand the structure; increase the size or degree of non-conformity; or intensify the use of the structure or its impact on coastal processes;
  - (B) The repairs do not constitute a substantial improvement of the structure; and
  - (C) The repairs are permitted by the Comprehensive Zoning Ordinance, Development Plans, building code, floodplain management regulations, special management area requirements under HRS Chapter 205A and any other applicable rule or law.
- (7) Beach nourishment or dune restoration projects approved by all applicable governmental agencies.
  - (8) A structure approved by the Director as a minor structure.
  - (9) Qualified demolition of existing structures.
- (10) Unmanned civil defense facilities installed for the primary purposes of: (i) warning the public of emergencies and disasters; or (ii) measuring and/or monitoring geological, meteorological and other events.
  - (11) Scientific studies and surveys, including archaeological surveys.
- (12) Structures built by a governmental agency to address an emergency as declared by the Governor of the State of Hawai'i, the Mayor of the County of Kaua'i or any other public official authorized by law to declare an emergency.





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SSD 201 <u>7</u> -		2	-1	7	
Acceptance Date:		Ü	12	81	16
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Determination Date:	i	Ġ	11	X	116
Planning Commission Date:	į	C	12	4	116
Expiration Date:		I'	12	2	717
Planner Assigned:	Ľ,		10	9	7

Instructions: File all information requested under Part A for processing the Determination of Applicability (§8-27.1), including signature page. Fill out Parts A and B if you know, due to proximity of the shoreline, that your parcel will require a Certified Shoreline Survey. If you are proposing a permitted structure or subdivision within the shoreline setback area fill in Part C. For applications involving a variance, complete Part D.

**Applicant Information** 

Applicant: PRW Princeville Development Company, LLC				
Mailing Address: 1100 Alakea Street Suite 250Phone: 808-5319761				
Hen, H; 96813 Email:				
Applicant's Status: (Check one)				
Owner of the Property (Holder of at least 75% of the equitable and legal title)				
Lessee of the Property Lessee must have an unexpired and recorded lease of five (5) years or more from the				
date of filing of this application. If not, Owner(s) must provide a Letter of Authorization.  Authorized Agent Attach Letter of Authorization				
Authorized Agent Attach Letter of Authorization  Transmittal Date:				
Haisinital Date.				
Project Information (attach additional sheets, if necessary)				
County Zoning District: Open / Ag Tax Map Key(s): (4) 5-3-006:025				
Land Area:				
Nature of Development: (Description of proposed Concrete 900 Drivewy.				
structure or subdivision)				
NO PERMITS WILL BE ISSUED WITHOUT PLANNING COMMISSION ACCEPTANCE,				
EXCEPT AS PROVIDED IN §8-27.8(c)(8)				
Part A Shoreline Setback Determination of Applicability (§8-27.1)				
Check all that apply, fill in applicable information. Any box checked must be accompanied by additional information,				
photos and/or documentation.				
Properties Abutting the Shoreline				
Project's approximate distance from shoreline:				
Properties Not Abutting the Shoreline Project's approximate distance from shoreline:				
Closest distance of improvement(s) from Shoreline is approximately to ft.				
Number of parcels and type of improvements (roads, buildings, structures) between Shoreline and this parcel:				
o A				
I.Rcad.				



FOR OFFICIAL USE ONLY:

C) Comme		SSD 201		
TE OF	HAW	Acceptance Date:		
		Website Posting Date:		
	<u></u>	Determination Date:		
	<u> </u>	Planning Commission Date:		
	ļ t	Expiration Date:		
	Ţ	Planner Assigned:		
r				
<b>⊠</b>	Topography (undulating, flat, slope, etc.) and ground elevation of subject	parcel (Lowest and Highest elevations)		
	<u>Flat</u>			
<b>⊠</b> ′	Shoreline type (e.g. beach, dune, rocky, sandy with rocky outcropping, et	cc.)		
	beach			
X	Artificially armored Shoreline    X   If checked, what type of armoring (e.g. seawall, reverment, bulkhead)	· Sea Wall		
	If checked, what type of armoring (e.g. seawall, revetment, bulkhead)  Is the armoring permitted/authorized?	auai Park.		
	Date of authorization (attach copy of authorization letter):	_		
$\square$	Is property in coastal floodplain (if checked, what zone)?			
$\mathbb{Z}$	Has this property been subject to coastal hazards in the past? (If checked	, please describe)		
	NO NONE			
structure is indemnify,	osed structure or subdivision is within the shoreline setback area then, plea approved, the Applicant shall agree in writing that the Applicant, its succe and hold the County of Kaua'i harmless from and against any and all loss a said structures from any coastal natural hazards and coastal erosion, pursu	essors, and permitted assigns shall defend, liability, claim or demand arising out of		
The requirements of the Subsection (b) shall run with the land and shall be set forth in a unilateral agreement recorded by the applicant with the Bureau of Conveyances or the Land Court, whichever is applicable, no later than thirty (30) days after the date of final shoreline approval of the structure under §8-27.8. A copy of the recorded unilateral agreement shall be filed with the Director and the County Engineer no later than forty-five (45) days after the date of the final shoreline determination and approval of the structure and the filing of such with the Director shall be a prerequisite to the issuance of any related building permit. §8-27.7(b)(6).				
Applicant	t's Signature			
energicular de la constitución d	)			
	10/13/2014			
Signature	Ipate			
	Applicability (to be completed by Planning Depa	rtment)		
0-6				
Setback Determination necessary. Requirements of Ordinance No. 979 are applicable.				
	$\times M$ $\bowtie M$ $M$	10/28/16		
	The state of the s	10/01/2		
	Playming Director ordesignee	· Date		



# PLANNING DEPARTMENT SHORELINE SETBACK DETERMINATION

If Part A has been deemed that a Determination will be necessary, the additional information will be required for submission of this application.

Part B	
Exemp	tion Determination
	A non-refundable processing fee of <b>one hundred dollars</b> (\$100.00) shall accompany a request for determination. (§8-27.8(e))
	Exemption 1
	In cases where the proposed structure or subdivision satisfies the following four criteria:  (A) In cases where the proposed structure or subdivision is located outside of the Federal Emergency  Management Agency (FEMA) Flood Insurance Rate Map (FIRM) 'V' or 'VE' flood zones;  (B) The proposed structure or subdivision is located at an elevation which is thirty (30) feet above sea level
	or greater,
	(C) The applicant can demonstrate to the satisfaction of the Planning Director that the property is clearly adjacent to a rocky shoreline and that it will not affect or be affected by coastal erosion or hazards; and
•	(D) The shoreline setback shall be sixty (60) feet from the certified shoreline which has been established not more than twelve (12) months from the date of the application for the exception under this section.
No	Exemption 2
, A	In cases where the applicant can demonstrate to the satisfaction of the Planning Director that the applicant's proposed structure or subdivision will not affect beach processes, impact public beach access, or be affected by or contribute to coastal erosion or hazards, excluding natural disasters. Factors to be considered shall include, but not be limited to, proximity to the shoreline, topography, properties between shoreline and applicant's property, elevation, and the history of coastal hazards in the area.
	Exemption 3
	Those structures and uses found exempt in Table 3 (§8-27.7) (see pg. 5-6)
	Letter from the Department of Public Works stating that the proposed project does not constitute "Substantial Improvement," pursuant to §8-27.2
	Exemption Determination (to be completed by Planning Department)
	Pursuant to §8-27.3 the Kaua'i County Code, 1987 as amended, the Planning Department hereby certifies the proposed structure(s) or subdivision(s) as exempt from those shoreline setback determination requirements established under §8-27.8.  Planning Director or designee  Date
	I maring property of charges

### OWNER'S AUTHORIZATION

### I. OWNER.

Name:

PRW PRINCEVILLE DEVELOPMENT COMPANY, LLC,

a Hawaii limited liability company

Address:

1100 Alakea Street, Suite 2500

Honolulu, Hawaii 96813

Telephone:

(808) 531-9761

### II. <u>AUTHORIZED AGENT</u>.

Name:

Kevin K. Paik and Wendy S. L. Paik, husband and wife

Address:

3727F Anini Road

Kilauea, Kauai, Hawaii 96754

Telephone:

(808) 652-8182

### III. PROPERTY.

Lot 2-A-2

Kalihiwai and Kalihikai, Hanalei, Kauai, Hawaii

Kauai Tax Map Key No. (4) 5-3-006:025

### IV. <u>AUTHORIZATION</u>.

The Authorized Agent is the owner of L. C. Aw. 11248:2/R. P. 7155, Kalihikai, Kauai, Hawaii, identified by Kauai Tax Map Key No. (4) 5-3-005:009 ("Agent's Property"). The Authorized Agent wishes to construct driveway improvements ("Driveway") on Easement A-2, which is located on the Property, runs in favor of the Agent's Property, and connects the Agent's Property to Anini Road, as shown on Exhibit "A".

The Owner hereby authorizes the Authorized Agent to act on the Owner's behalf and to file with the Department of Public Works, the Planning Department, and the Planning Commission of the County of Kauai, on the Owner's behalf, the following permits ("Permits") in order to construct the Driveway:

- 1. Special Management Area Permit.
- 2. Zoning Permit.
- 3. Grading Permit.

### V. <u>LIMITATION</u>.

This Authorization is subject to the following limitations:

- 1. The Authorized Agent is only authorized to apply for the Permits described herein.
- 2. No final Permits may be issued, or if issued shall not be valid or effective, unless and until the Owner gives its written approval to any conditions of any such Permits that touch, encumber or affect the Property.
- 3. The Authorized Agent shall provide the Owner with copies of all Permit applications and approvals.

### VI. ACCEPTANCE.

The Authorized Agent agrees to be bound by all of the terms and conditions of this Authorization.

OWNER:		AUTHORIZED AGENT:
COMPANY	EVILLE DEVELOPMENT  7, LLC, ited liability company	KEVIN K. PAIK
By: Commercial Its Man	rcial Property Advisors, Inc. ager	DATED: 10/13/2016
By //// KENDAI	LKIM	WENDY S. L. PAK
Its Vice P	resident	DATED: /0//3/16
naten.	OCT 1 3 2016	

